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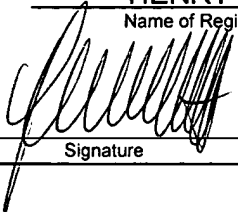
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES**

Docket No.: FICHTNER

In re Application of:)
SIEGFRIED FICHTNER et al.) Examiner: Mullins, Burton S
Appl. No.: 10/789,411) Group Art Unit: 2834
Filed: February 27, 2004)
For: ELECTRIC MACHINE WITH A LAMINATED ROTOR CORE)

REPLY BRIEF

MAIL STOP APPEAL BRIEF-PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Name of Registered Representative	
	<u>3-24-2006</u>
Signature	Date of Signature

S I R:

This reply brief is filed pursuant to 37 C.F.R. §41.41 in response to the Examiner's Answer, mailed January 26, 2006.

REMARKS

In the Examiner's Answer, the Examiner made several statements under the heading "(10) Response to Argument" that appellant wishes to address.

Issue 1. On page 4, last para., the Examiner noted that *"the fiber discs can be reasonably interpreted by one of ordinary skill to be part of the rotor core []"*. Although the Examiner acknowledged that the fiber discs are not laminations, the fact that claim 1, on appeal, does not exclude any other elements in addition to the laminations *"from being considered part of the rotor core"*, Carlson's fiber discs are thus part of the rotor core. Carlson relates to a method of securing laminations on a rotor shaft. In discussing the prior art, Carlson notes that previously metal washers were disposed on the shaft in a flat condition at the ends of the **core of laminations** and secured by a prick punch or by turning the shaft down (col. 1, 8-15). Carlson thus considers the core as being formed by the laminations, without the fiber discs.

Issue 2. On page 5, 2nd para., the Examiner opined that because Carlson describes that the laminations having been forced together tend to open up or spring apart and exert force on washers 13 and 14 in directions tending to move such washers apart, *"[T]he opening up or springing apart of Carlson's laminations is thus explicit description of 'axial deflection of the laminations' as claimed by applicant."* Otherwise, as the Examiner further noted *"Carlson would not have described 'the laminations having been force together [sic] tend to open up or spring apart.'".* This interpretation of Carlson by the Examiner is ill-advised and divorced from the disclosure of Carlson.

As described in Carlson, after assembling all parts (laminations, fiber discs, concavo-convex washers) on the shaft, the assembly is placed in a press and squeezed together, thereby flattening the washers against the fiber discs and causing the washers to dig into the shaft so as to secure the core in place. When the pressure of the press is released, the laminations exert a force upon the washers that have a tendency to move apart. The Examiner interprets the reference to "open up" or "spring apart" literally, as if the laminations were in fact

moving apart. That, however, is not the case. In fact, an axial deflection, i.e. bending or curving, of laminations is neither occurring nor possible. As shown in Fig. 1, when the assembly is squeezed together, and the washers dig into the shaft, the laminations rest flatly upon the washers. A deflection, i.e. bending or curving, of the laminations or the washers in axial direction does not take place (col. 3, lines 11-14). The Examiner incorrectly or ignores the reference to "tendency" in this context.

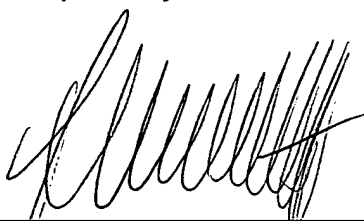
On page 6, the Examiner contended further that *"the washers digging into the shaft is the result of the laminations springing apart."* The Examiner may wish that to be the case, it is, however, incorrect. The passage bridging col. 2 and 3 in Carlson clearly states that the press, when squeezing the laminations together and flattening the washers, causes the edges of the washers to dig into the shaft. In other words, the washers dig into the shaft **before** the pressure of the press is released. When the pressure is subsequently released, the exert force causes the washers *"to try to dig more into the shaft"*, even though the washers cannot move away from one another (col. 3, lines 13, 14). Thus, the assessment by the Examiner that digging into the shaft *"would not occur unless the compressed laminations exerted axial force on the washers 13/14"* is clearly erroneous and divorced from the Carlson disclosure.

Issue 3. On page 7, 1st para., the Examiner noted *"Applicant's paraphrase of the claim language as meaning 'the plate can be sized to extend shy of the outer shaft surface, and not necessarily needs to be sized to bear upon the outer shaft surface' is not germane because these limitations are not in the claim."* The Examiner ignored here the doctrine of claim differentiation. Reference is made to claim 15, which sets forth that "the plate has an inner diameter so as to bear upon an outer diameter of the shaft. The express reference to this configuration is intended to further limit the claim limitation d), as referred to on page 4 of appellant's Brief of Appeal. Otherwise the subject matter of claim 15 would serve no purpose under the "claim differentiation" doctrine. (see *Forest Laboratories, Inc. v. Abbott Laboratories*, 239 F.3d 1305, 1310, 57 USPQ2d 1794 (Fed. Cir. 2001), stating: "Where claims use different terms, those differences are presumed to

reflect a difference in the scope of the claims"). When claim 15 sets forth that the plate bears upon the shaft, the claim limitation "extending to an area of the shaft" in claim 1 clearly excludes a configuration in which the plate digs into the shaft.

For the foregoing reasons and the reasons stated in Appellant's Brief of Appeal, it is respectfully requested to overrule the Examiner's rejections.

Respectfully submitted,

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